



Embassy of the Republic of Azerbaijan

Mr. Kevin Willcutts
Deputy Director
Office of Child Labor, Forced Labor, Forced Labor and Human Trafficking
U.S. Department of Labor

Dear Mr. Willcutts,

I am writing to you with regard to your letter of March 4, 2010 with the attached Request for Information on "Child Labor, Forced Labor, and Forced or Indentured Child Labor in the production of goods in foreign countries and efforts by certain countries to eliminate the worst forms of child labor".

Please find enclosed the information received from the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan on Child labor, forced labor, and forced or indentured child labor in the production of goods, and on elimination of the worst forms of child labor in the Republic of Azerbaijan.

Enclosure: 2 pages

Sincerely,

Deputy Chief of Mission

Khazar Ibrahim

Information of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan on Child labor, forced labor, and forced or indentured child labor in the production of goods, and on elimination of the worst forms of child labor in the Republic of Azerbaijan.

The Labor Code of the Republic of Azerbaijan contains the section "Specifics of use of labor of persons who have not reached 18 years of age". Article 249 of the Labor Code has determined the "Age limitations for employment". According to this Article, those who are under the age of 15, shall not be employed under any circumstances.

According to part 3 of Article 42 of the Labor Code, any person who has reached the age of 15 may be a party to employment contract. According to part 4 of Article 46 of the Labor Code, persons between 15 and 18 years of age shall receive the approval of their parents, adoptive parents, tutor or persons determined by the law as replacing such people, for entering into an employment contract.

According to Article 250 of the Labor Code, employment of persons under the age of 18 in jobs with difficult and hazardous work conditions, as well as in underground tunnels, mines and other underground locations, in such places as night clubs, bars, and casinos which could be detrimental to his/her intellectual growth and development, and also in places where alcoholic beverages, narcotic components and toxic materials are carried, kept, or sold is prohibited.

According to part 2 of Article 91 of the Labor Code, reduced working hours for those who are under 16 years of age shall be not more than 24 hours per week, for those whose age is from 16 to 18 - not more than 36 hours per week.

According to part 6 of Article 58 of the Labor Code, employees under the age of 18 may be allowed to work at multiple jobs if their total daily working hours do not exceed the reduced working hours provided for them in Article 91 of the Labor Code.

According to Article 254 of the Labor Code, no employee under the age of 18 shall be permitted to work at night or perform overtime work, to work on weekends, holidays, or other days off, or to be sent on assignment. For employees under the age of 18, hours between 8 PM and 7:00 AM shall be considered night time.

According to Article 16 of the Labor Code, no discrimination among employees shall be permitted on the basis of citizenship, sex, race, nationality, language, place of residence, economic standing, social origin, age, family circumstances, religion, political views, affiliation with trade unions or other public associations, professional standing, beliefs, or other factors unrelated to the professional qualifications, job performance, or professional skills of the employees, nor shall it be permitted to establish privileges and benefits or directly or indirectly limit rights on the basis of these factors. Concessions, privileges and additional protection for those who are under the age of 18 and are in need of social protection shall not be considered discrimination. Employers or other physical persons

that permit the discrimination shall bear the appropriate responsibility in the manner established by the Legislation.

According to Article 251 of the Labor Code, using manpower of workers under the age of 18 for lifting or carrying of heavy objects from one place to another is prohibited. Services of workers between 16 and 18 years of age may include manual lifting and carrying of heavy objects, only if their total weight is within the specified limits. Girls up to the age of 16 may be assigned works which include lifting and carrying of objects with total weight of only 1/3 of the limit specified and only with their own consent. Making girls under the age of 16 to work by lifting and carrying objects during the entire working day is prohibited.

"The list of hazardous enterprises, professions, as well as underground services, where employment of workers under the age of 18 is prohibited" was approved by the decision of the Cabinet of Ministers of the Republic of Azerbaijan on March 24, 2000.

According to Article 252 of the Labor Code, workers under the age of 18 are given employment only after passing medical examinations, and until they reach the age of 18 they must be medically examined every year with expenses paid by the employer.

The State Labor Inspection within the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan carries out State's control over the implementation of legislative requirements with regard to protection of labor, working environment, payments for work, hygiene at work, employees performance, social and private insurance, safety at work, duration of working days, labor safety, medical and financial sufficiency, and employment of women, disabled persons, and juveniles.

In 2009, during the implementation by the State Labor Inspection of the control over the compliance of enterprises, institutions and companies with the labor legislature, no cases of employment of workers under the age of 15 were revealed. At the same time, in 62 cases facts about improper use of work of those between the ages of 15-18 were revealed, and authorities within the State Labor Inspection gave mandatory orders to the employers to eliminate the defects and comply with the labor requirements. These cases were revealed mainly in non-governmental enterprises engaged in trade, public services and logistics.

The Republic of Azerbaijan has ratified 55 Conventions of the International Labor Organization (ILO), including 1992 Convention on Forced Labor dated, 2000 Convention on Elimination of Forced Labor dated, and 2004 Convention for Prohibition of the Worst Forms of Child Labor and their Elimination. The reports on application of the terms of the conventions were submitted by the Republic of Azerbaijan to the International Labor Organization.